

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No.71482

Elvie Genevia Wright
Richard Smith
Nellie & Edith Eughen

621 W. Seminary Avenue

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on January 13, 2010 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-7-301, 12-3-106, 35-5-302, failure to remove dog feces daily, failure to remove debris from yard, failure to raze and/or repair shed on residential property known as 621 W. Seminary Avenue, 21093.

On December 15, 2009, pursuant to Baltimore County Code §3-6-205, Inspector Robyn Clark issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$600.00 (six hundred dollars).

The following persons appeared for the Hearing and testified: Ms. Nellie Smith, Respondent, represented by Harvey B. Weeks, Esq., and, Robyn Clark, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued on November 30, 2009 for removal of trash and debris, remove animal feces daily, store garbage in containers with lids, repair shed. This Citation was issued on December 15, 2009.

B. Inspector Robyn Clark testified that her initial inspection found extensive dog feces in the yard; junk, trash and debris; garbage cans with no lids; and a very dilapidated shed. Re-inspection found dog feces and debris still present. Re-inspection prior to this Hearing found the shed in the same condition, and a tarp covering some of the debris; Inspector Clark testified that she could not tell whether there were still uncollected dog feces in the yard. She further testified that she met with Respondents' attorney, Mr. Harvey Weeks, prior to this Hearing and that Respondents have agreed to correct the violations. She recommended that Respondents be given a time extension to the end of May to raze or repair the shed, and requested that Respondents be required to remove debris and to clean up dog feces daily.

C. Photographs in the file show some junk and debris piled in the yard, including open buckets, broken furniture, pipes and plywood. Photographs also show a shed that is severely deteriorated, with pieces of wood siding littering the ground after falling off the shed.

D. Respondents' attorney, Mr. Harvey Weeks, Esq., stated that the owners and occupants of this property are all retired and are on a limited income. Respondent Nellie Smith testified that she is the only resident who is working. Mr. Weeks stated that Respondents will correct the violations.

E. Because compliance is the goal of code enforcement, and this property does not show a history of violations, the civil penalty will be rescinded if the violations are corrected within the time provided below. With respect to dog feces, Respondents are reminded that daily cleanup is required; a repeated violation of this requirement may result in immediate Citation with civil penalty, pursuant to the Department's adopted criteria.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violations are corrected, with all junk, trash and debris removed from the property by March 1, 2010, AND with the shed repaired or removed by June 14, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 25th day of January 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.